

West Virginia Surplus Lines Export List

Pursuant to Section 7, Series 20, Title 114 of the West Virginia Code of State Rules, the Insurance Commissioner declares the following insurance coverages to be generally unavailable in the authorized market at the present, and thus exportable, and adopts the following export list. Accordingly, for those insurance coverages which are included on the export list, a diligent search among insurers admitted to do business in this State is not required before placement of the coverages in the surplus lines market.

The export list is not exclusionary. It does not affect what may or may not be placed through surplus lines insurers. It is a procedural tool. For those items on the list some of the procedures for surplus lines placements are eliminated - simplifying the process. If a coverage or class is included on this list the diligent search of admitted insurers is not required. If a coverage or class is not included on the list, the normal diligent search will still be necessary.

It is not the purpose of the export list to include every possible surplus lines exposure. The purpose is to list obvious coverages and classes that in almost every case will only be written by a surplus lines company. If a coverage or exposure is not on the list it may still be written through surplus lines if the procedures of Section 4, Series 20, Title 114 of the West Virginia Code of State Rules are followed.

Following is the published West Virginia Surplus Lines Export List of coverages and classes eligible for export to non-admitted insurers participating in the surplus lines market:

Effective February 1, 2005

AEROSPACE

AIRCRAFT:

CHARTERED

ANTIQUE

EXCESS PASSENGER LIABILITY

FIXED BASE OPERATIONS

APPLICATORS LIABILITY

AIRPORT REPAIR OPERATIONS (UMBRELLA)

BALLOON HOT AIR

HELICOPTERS

GENERAL LIABILITY

ADULT DAY CARE
AIR SHOWS - Spectator Liability
ALARM SYSTEMS / FIRE SUPPRESSION - Installation, Service & Repair
ALCOHOL / DRUG REHABILITATION CENTERS & PROGRAMS
ALCOHOL SALES
AMUSEMENT DEVICES & RIDES
AMUSEMENT PARKS & CARNIVALS
ANIMAL RIDES / ANIMAL RACING & TRACKS
APPLICATORS - CHEMICAL: FERTILIZER, HERBICIDE, PESTICIDE
ARTISAN CONTRACTORS - Residential
ASBESTOS / LEAD PAINT REMEDIATION
ATHLETIC CAMPS
AUTOMOBILE DISMANTLING, WRECKING SALVAGE YARDS
BARS / TAVERNS / FRATERNAL or SOCIAL CLUBS with Alcohol Sales
BLASTING CONTRACTORS
BUILDING DEMOLITION
BUILDING MOVING OR RAISING
CARRIAGE RIDES
CHILD DAY CARE CENTERS
CONCERTS / SPECIAL EVENTS
COURIER SERVICES
CRANE RENTAL & RIGGING
DANCE STUDIO / GYMNASTICS
DEMOLITION OF BUILDINGS OR STRUCTURES
DETECTIVE / INVESTIGATIVE AGENCIES
DEVELOPMENTALLY DISABLED, SERVICES FOR
DRUG / ALCOHOL REHABILITATION CENTERS & PROGRAMS
EMPLOYMENT AGENCIES
EMPLOYMENT PRACTICES LIABILITY (EPLI)
ENVIRONMENTAL IMPAIRMENT / POLLUTION LIABILITY
ENVIRONMENTAL REMEDIATION
EXCAVATION CONTRACTORS
EXCESS LIABILITY / UMBRELLA LIABILITY (Commercial)
EXHIBITIONS / CONCERTS / SPECIAL EVENTS
EXPLOSIVE MANUFACTURING/STORAGE OR SALES
FAIRGROUNDS / FAIRS
FIRE SUPPRESSION / ALARM SYSTEMS - Installation, Service & Repair
FIREARMS - SALES, DISTRIBUTION & REPAIR
FIREWORKS
FRATERNITIES / SORORITIES
FUEL TANK INSTALLATION SERVICE & REPAIR
GENERAL CONTRACTORS
GO KART TRACKS / MOTORCROSS TRACKS
GROUP HOMES
GUIDES & OUTFITTERS
HABITATIONAL (Apartments, Condominiums, Multiple Dwellings - Residential)

HEALTH / EXERCISE / SPAS / FITNESS CLUBS & CENTERS
INVESTIGATIVE / DETECTIVE AGENCIES
KARATE & GYMNASTIC SCHOOLS
LEAD PAINT / ASBESTOS REMEDIATION
LIQUOR LIABILITY
LOGGERS
MINING
MOBILE HOME PARKS
MOTORCROSS / GO KART TRACKS
NEW VENTURES - NO PRIOR INSURANCE
NURSING HOMES
OUTFITTERS / GUIDES
PAWN SHOPS
PERSONAL CARE HOMES
PLASTIC MANUFACTURING AND SALES
POLYURETHANE INSULATED BUILDINGS
POLLUTION LIABILITY & REMEDIATION CONTRACTORS
POWER PRESSURE WASHING
PRIVATE SCHOOLS
QUARRIES
RAILROAD PROTECTIVE LIABILITY
REAL ESTATE DEVELOPMENT
RECREATIONAL VEHICLE RENTAL - ATV / Jet Ski / Snowmobile
RECYCLING CENTERS
RESIDENTIAL CARE FACILITIES / RETIREMENT HOMES
ROOFERS
SAWMILLS
SECURITY GUARDS
SKATING RINKS - Roller / Ice / Skateboard / roller Blade
SKI LIFTS AND TOWS
SNOW REMOVAL CONTRACTORS
SPECIAL EVENTS
SPECTATOR LIABILITY
TANNING SALONS
TAVERN / BAR / PRIVATE CLUBS / FRATERNAL OR SOCIAL CLUBS WITH
TREE TRIMMING
TRUCKERS
UMBRELLA LIABILITY / EXCESS LIABILITY (Commercial)
VACANT BUILDINGS
WELDING
WHITEWATER RAFTING
WINDOW WASHERS
WOOD WORKING OPERATIONS

CRIME

KIDNAP/RANSOM

PRODUCTS / COMPLETED OPERATIONS DRIVEN ACCOUNTS:

AIRCRAFT & AIRCRAFT PARTS
ALCOHOLIC BEVERAGES MFR
AMMUNITION
AMUSEMENT DEVICES - MFR / INSTALLATION / REPAIR
DISCONTINUED PRODUCTS
EXPLOSIVES
FIREARMS
HEAVY EQUIPMENT MFR & REPAIR / REBUILD
INFANT FURNITURE
MEDICAL EQUIPMENT & PRODUCTS
MINING EQUIPMENT - MFR / INSTALLATION / SERVICE / REPAIR
PHARMACEUTICALS MFR & DISTRIBUTION
PLAYGROUND EQUIPMENT MFR & INSTALLATION
PRODUCTS RECALL
ROOFING
TANKS (FUEL)
TIRE RECAPPING
TOY MANUFACTURING
VITAMIN MFR & DISTRIBUTION

PROFESSIONAL LIABILITY AND ERRORS & OMISSIONS

ACCOUNTANTS
ACTUARIES
AMBULANCE PERSONNEL & EMT's
ARCHITECTS
AUCTIONEERS
BLOOD & PLASMA COLLECTION & BANKS
CHIROPRACTORS
CLINICAL LABORATORIES
COMPUTER CONSULTANTS / PROGRAMMERS
COUNSELING PROGRAMS & INDIVIDUAL COUNSELORS
CYBER LIABILITY / INTERNET LIABILITY
DIRECTORS & OFFICERS LIABILITY
DRUG TESTING
EMPLOYMENT PRACTICES LIABILITY
ENGINEERS
ENVIRONMENTAL CONSULTANTS
FIDUCIARY LIABILITY
FOSTER CARE AGENCIES
HEALING ARTS
INSURANCE AGENTS & BROKERS
INVESTMENT ADVISORS
LAWYERS
MEDICAL LABS

MIDWIVES
MORTGAGE BROKERS / BANKERS
NURSING HOMES
PODIATRISTS
POLICE PROFESSIONAL
PROPERTY MANAGERS
PSYCHOLOGISTS / SOCIOLOGISTS / COUNSELORS
PUBLIC OFFICIALS
REAL ESTATE AGENTS & APPRAISAL
RESIDENTIAL HOME INSPECTORS
SOCIAL SERVICE AGENCIES & SHELTERS
SURVEYORS
TITLE & ESCROW AGENTS
X-RAY SPECIALISTS & TECHNICIANS

FIRE & ALLIED LINES

AMUSEMENT DEVICES / RIDES
AMUSEMENT PARKS / CARNIVALS
ASSISTED LIVING HOMES
DIFFERENCE IN CONDITIONS
EARTHQUAKE
EXCESS FLOOD
EXPLOSIVES MFR & DISTRIBUTION
FRATERNITIES & SORORITIES
FURNITURE MANUFACTURING
GREENHOUSES – WIND AND HAIL
HABITATIONAL (Apartments, Condominiums, Multiple Dwellings - Residential)
NUCLEAR ENERGY PROPERTY
OLDER BUILDINGS (BUILT PRIOR TO 1975)
REMOTELY LOCATED PROPERTIES (Protection Class 8, 9, 10)
RESTAURANTS
RIOT AND CIVIL COMMOTION
SAWMILLS / PLANING MILLS
TAVERN / BAR / PRIVATE CLUBS / FRATERNAL OR SOCIAL CLUBS
VACANT BUILDINGS
WOOD WORKING OPERATIONS

INLAND / OCEAN MARINE

BRIDGES / TUNNELS
COMMUNICATION TOWERS & EQUIPMENT
JEWELERS BLOCK
LANDING DOCK LIABILITY
LOGGING EQUIPMENT
MINING EQUIPMENT
RAILROAD
RIGGERS LIABILITY / ON HOOK

UNDERGROUND EQUIPMENT (OIL & GAS, TUNNELING, DRILLING)
WATERCRAFT - COMMERCIAL

MISCELLANEOUS SPECIAL LINES

ASBESTOS EXPOSURES & CONTRACTORS
EMPLOYMENT RELATED PRACTICES LIABILITY (EPLI)
INTERNATIONAL EXPOSURES
KIDNAP / RANSOM
OIL & GAS - ALL COVERAGES
PATENT INFRINGEMENT
PRIZE INDEMNIFICATION (i.e. Hole-in-One Insurance)
PRODUCTS RECALL
RAIN / WEATHER INSURANCE
SHORT TERM / SPECIAL EVENTS
TENANT DISCRIMINATION LIABILITY
UMBRELLA / EXCESS LIABILITY (Commercial)

AUTO PHYSICAL DAMAGE

AUTOMOBILE RENTAL
COAL HAULING TRUCKS
EXPLOSIVES HAULING
GASOLINE / PROPANE / BUTANE HAULING
LOGGING TRUCKS
LONG HAUL TRUCKS
TAXI SERVICES
TOW TRUCK OPERATIONS
USED AUTOMOBILE DEALERS

AGRICULTURE:

HAY IN OPEN OR BARN
DROUGHT
ANIMAL MORTALITY
POULTRY

The Surplus Lines Market

The surplus lines market, hereafter referred to as surplus lines, is a supplemental market of insurance companies that do not have a certificate of authority to write insurance in West Virginia. Laws and regulations provide a mechanism to control the surplus lines brokers' "export" of business to recognized non-admitted insurers. Though specifics may differ, there is a consistency in the basic framework of surplus lines laws throughout the various states. The prohibition against soliciting business on behalf of nonadmitted insurers is universal, as well as the requirement that there be a diligent, good faith effort to place the insurance with an admitted insurer. Documentation and justification of the surplus lines placement is always required. Restrictions on using surplus lines for the purpose of price advantage and restrictions on exporting different layers or segments of a risk are common. Several states use an export list of insurance coverages and classes. Some states have exemptions for larger insureds. West Virginia surplus lines rules and procedures are consistent with most other states in these areas.

Frequently Asked Questions

What is your surplus lines tax rate?

4% of gross premiums less return premiums due to cancellations or premium reductions. Gross premiums include all policy fees.

What is the 1% policyholder surcharge?

W. Va. Code § 33-3-33 imposes a policyholder surcharge on the policyholder of any fire insurance policy or casualty insurance policy equal to 1% of taxable premium. "Taxable premium" means the amount of gross direct premiums, annuity considerations or dividends on participating policies applied in reduction of premiums less premiums returned to policyholders due to cancellation of policies. The policyholder surcharge is not imposed upon qualified surplus lines policy fees.

Is there a stamping fee?

No. West Virginia does not have a stamping office.

Can non-residents obtain a surplus lines brokers license?

Yes, West Virginia has a non-resident surplus lines licensee's license. Contact our Licensing Division.

Statutes and Regulatory Rules Applicable to Surplus Lines

Current statutes and regulations are as follows:

Statutory Provisions

Article 12C Chapter 33, West Virginia Code

Article 43 Chapter 33, West Virginia Code

Regulatory Rules

Procedures for Surplus Lines Placement: W.Va. Code of State Rules, Title 114, Series 20, Section 4

Surplus Lines Premium Tax Procedures W.Va. Code of State Rules, Title 114, Series 20, Sections 5 & 6.